



Reconsideration of the application is respectfully requested.

Claims 1 - 23 are presently pending in the application. New claims 18 - 23 have been added. Applicant gratefully acknowledges that claims 11 - 17 have been allowed, and that claims 5 - 8 have been indicated as being allowable if rewritten to include all the limitations of the claims from which those claims depend.

In item 8 of a final Office Action dated January 13, 2005 ("FINAL OFFICE ACTION"), claims 1 - 2, 4, 9 and 10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 5,600,782 to Thomson ("THOMSON").

In item 10 of the FINAL OFFICE ACTION, claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over THOMSON over Applicant's admission of prior art ("AAPA").

Applicant respectfully traverses the above rejections.

On April 13, 2005, Applicant filed a response ("RESPONSE") to the FINAL OFFICE ACTION, in which no amendments were made, and

in which Applicant believes that the claims were distinguished over the THOMSON reference.

In the RESPONSE, Applicant's arguments focused on the patentable difference of the reservation of storage elements of Applicant's claims 1 and 10 for a particular purpose, as recited in the words of claims 1 and 10. More particularly, Applicant focused mainly on the fact that independent claims 1 and 10 affirmatively recite, among other limitations, storage elements for storing data representing different states of the CAN module. As such, the storage elements of claims 1 and 10, are reserved for the specially assigned purpose of storing data representing different states of the CAN module.

Applicant additionally pointed out, in detail that the THOMSON reference failed to teach or suggest, Applicant's particularly claimed storage elements that store data representing the different states of the CAN module. Rather in THOMSON, the two transmit storage buffer registers TXD1 and TXD2, and the two receive buffer registers RXD1 and RXD2, store data not representing different states of the CAN module, which is contrary to Applicant's claims 1 and 10. Regularly received data is written to the registers TXD1, TXD2, RXD1 and RXD2. See col. 9 of THOMSON, lines 30 - 56.

It is clearly evidenced in **THOMSON** that it is regular data, not data representing different states of the CAN module, stored in the registers TXD1 and TXD2 (i.e., cited in the Office Action as analogous to Applicant's storage elements). See, Col. 9 of **THOMSON**, lines 10 - 21. As such, Applicant believes that the **RESPONSE** to the **FINAL OFFICE ACTION**, clearly distinguished the claims from the **THOMSON** reference.

However, the Advisory Action in the present case, **did not address the arguments made in the RESPONSE by Applicant**. Rather, the Advisory Action, merely reiterated statements made in the **FINAL OFFICE ACTION**, in response to statements made in Applicant's previously filed response. But the Advisory Action did not address Applicant's focused arguments of the present **RESPONSE**, regarding the particularly claimed reservation of storage elements for a particular type of data (i.e., data representing different states of the CAN module). More particularly, paragraph 11 of the Advisory Action, stated:

"The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Regarding claim 1, Thomson teaches a CAN module (see Figure 4), including storage elements (see "41" and "38"). In addition, this CAN module teaches identification of three different states in which the CAN interface is operating: error active state, error passive state, and busoff state (see col. 12, claim 1). With respect to Applicants arguments on Page 4 of 9, the claim limitation, disclosing different states of the CAN module was addressed in previous

Office Action. However Examiner maintains his position, stating that the language used by Applicant in support of the limitations in claim 1 ("these states used to attach to multiple CAN buses" and "different states necessary to operate with multiple CAN nodes") is not claimed and was not incorporated in Examiner's interpretation of the claim. In fact, Applicant's response does not address the second limitation argued but not claimed, "different states necessary to operate with multiple CAN nodes". Accordingly, Examiner maintains the rejections presented in previous Final Office action."

Applicant would like to address each portion of the reasons for non-allowance given in paragraph 11 of the Advisory Action separately herebelow.

The first portion of paragraph 11 of the Office Action, states:

"The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Regarding claim 1, **Thomson teaches a CAN module (see Figure 4), including storage elements (see "41" and "38").** In addition, this CAN module teaches **identification of three different states** in which the CAN interface is operating: error active state, error passive state, and busoff state (see col. 12, claim 1)." [emphasis added by Applicant]

This argument was made in the **FINAL OFFICE ACTION**. As set forth on page 5 of Applicant's **RESPONSE** to the **FINAL OFFICE ACTION**, the above recitation of elements from **THOMSON**, still fails to make a **prima facie** case of anticipation of Applicant's claims 1 and 10. As stated on page 5 of the **RESPONSE**:

However, taking everything in the above-cited Office Action paragraph as true, arguendo, the Office Action still has not made the necessary case that THOMSON renders Applicant's claims anticipated or obvious. Rather, the Office Action merely states that THOMSON has storage elements and that THOMSON teaches different states of the CAN module, but the Office Action fails to point to any teaching or suggestion in the THOMSON reference of storage elements that are used to store data representing different states of the CAN module, as is required by Applicant's claims 1 - 10. This is because the THOMSON reference neither teaches, nor suggests, storage elements that are used to store data representing different states of the CAN module as recited in claims 1 and 10 of the instant application." [emphasis in original].

The assigned purpose of the storage elements of Applicant's invention of claims 1 and 10, which store the different states of the CAN module, but absent from THOMSON, were not addressed in the Advisory Action.

Rather, the next section of paragraph 11 of the Advisory Action, states:

"With respect to Applicants arguments on Page 4 of 9, the claim limitation, disclosing different states of the CAN module was addressed in previous Office Action. However Examiner maintains his position, stating that the language used by Applicant in support of the limitations in claim 1 ("these states used to attach to multiple CAN buses" and "different states necessary to operate with multiple CAN nodes") is not claimed and was not incorporated in Examiner's interpretation of the claim." [emphasis added by Applicant]

Contrary to this statement of the Advisory Action, Applicant did not argue, in the present RESPONSE, that "these states

used to attach to multiple CAN buses" and "different states necessary to operate with multiple CAN nodes". Applicant did not raise at all in the RESPONSE, multiple CAN nodes, except to say, on page 4 of the RESPONSE, that by focusing on the previously argued "multiple CAN buses" , the Examiner had failed to address Applicant's storage elements argument. More particularly, the relevant portion of page 4 of the RESPONSE, stated:

"Applicant respectfully traverses the above statement of the Office Action. In choosing to address the "multiple CAN buses", allegedly not explicitly recited in Applicant's claim 1, the Office Action fails to address Applicant's most basic argument that "data stored represents 'different states of the CAN module'", which is clearly part of independent claims 1 and 10." [emphasis added by Applicant]

In the RESPONSE, Applicant chose to focus on the actual words of the claim, rather than why the different CAN node states were believed necessary. Contrast page 20 of Applicant's SUPPLEMENTAL AMENDMENT of October 14, 2004.

More particularly, Applicant focused on THOMSON's failure to teach or suggest that the storage elements of the CAN module are used to store data representing different states of the CAN module, as required by Applicant's claims 1 and 10. As such, Applicant does not understand why the statements "these states used to attach to multiple CAN buses" and "different states necessary to operate with multiple CAN nodes" were,

again, addressed in the Advisory Action, instead of the arguments relating to the specially assigned purpose of Applicant's claimed storage elements (i.e., to store data representing different states of the CAN module).

That the Advisory Action addressed issues not raised by Applicant in the RESPONSE, is further supported by the last portion of paragraph 11 of the Advisory Action, which states:

"In fact, Applicant's response does not address the second limitation argued but not claimed, 'different states necessary to operate with multiple CAN nodes'. Accordingly, Examiner maintains the rejections presented in previous Final Office action." [emphasis added by Applicant]

As such, it appears as though Applicant was penalized in the Advisory Action for not renewing an earlier argument that was made, but not in the claims. Whereas, there was no language in the Advisory Action to address Applicant's actual argument relating to a particularly claimed, specially assigned purpose, of the storage elements (i.e., used to store data representing different states of the CAN module).

Applicant respectfully believes that the current claims are patentable over the THOMSON reference for many reasons, but chose to focus in the last RESPONSE, mainly on the patentability of claims 1 and 10 over THOMSON based on the assigned purpose of the storage elements in Applicant's claims

1 and 10 to store data representing different states of the CAN module. Applicant maintains that these particularly claimed storage elements are neither taught, nor suggested in THOMSON, as set forth in detail in the RESPONSE. Applicant incorporates the RESPONSE herein, in its entirety. As such, Applicant believes that claims 1 and 10 are patentable over the THOMSON reference. As such, Applicant appreciatively acknowledges the Examiner's statement that claims 5 - 8 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." However, in light of the above, Applicants respectfully believe that rewriting of claims 5 - 8 is unnecessary at this time.

However, in an attempt to provide greater clarity to this case, Applicant has added claims new claims 18 - 23, which specifically recite "multiple CAN nodes". Now, as argued in the SUPPLEMENTAL RESPONSE, Applicant's claim 18 recites, among other limitations, that the "data being stored in the plurality of sets of storage elements represents different states of the CAN module," and is "relevant to" the "multiple CAN nodes".

New claims 18 - 22 are supported by the instant application, page 7, line 7 - page 8, line 9, which states:

"A controller area network (CAN) module, described in more detail below, is part of a microcontroller which can be networked with other control devices (for example microcontrollers, too), actuators or sensors via a plurality of CAN buses (CAN nodes). It is distinguished by the fact that it has a plurality of sets of storage elements for storing a plurality of sets of data representing different states of the CAN module.

This makes it possible for the CAN module or parts thereof to be switched back and forth between different states, which in turn opens up the possibility of using the CAN module or parts thereof alternately for operating with a plurality of CAN buses.

The states represented by the data sets which can be stored in the plurality of sets of storage elements are, in particular, the states of components of the CAN module which have low capacity utilization. In the example considered in the present case, data representing different states of the so-called bit stream processor are stored in the plurality of sets of storage elements. As a result, the relevant bit stream processor can be used for a plurality of CAN buses. This proves to be particularly advantageous because the bit stream processor is one of the largest and most complicated constituents of the CAN module and the fact that it can be used for a plurality of CAN buses makes it possible to achieve a particularly pronounced saving of chip area." [emphasis added by Applicants]

Applicant believes that THOMSON, which uses the different CAN states to represent different error states of a CAN module (see col. 6 of THOMSON, lines 52 - 55), does not teach or suggest, Applicant's invention of claim 18, including "multiple CAN nodes" and stored "data" "relevant to" the "multiple CAN nodes". This distinction is particularly apparent because, as stated on pages 19 - 20 of the

SUPPLEMENTAL AMENDMENT, the system of **THOMSON** discloses a CAN interface with **only a single CAN node**.

In view of the foregoing, reconsideration and allowance of claims 1 - 23 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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